FOR MYSORE STATE

H.E.L.A. (195 .) Department.

Rt. SERIES.

closed
MRP
Superintendent

G.O. NO. 293, Health.

Dated 17-6-1954.

[Despatch Abstract.]

Land Acquisition-South Kanara District-Udipi Taluk-Mudanidambur and Shivalli Villages-Formation of roads in the Central Ward Town Planning Scheme area-S.Nos.118/17 etc.-Declaration-Published.

1735 A

Development Department

Subject

Land Acquisition - South Kanara - Civil Aerodrome Mangalore - Extension of Central Land Customs Limit area - Mangalore Municipality - Civil Aerodrome - Extension of roads in the Central Area - Town Planning Scheme - Road Improvements - Enforcement of the Land Acquisition Act with Government approval requested.

Station: Bangalore Ref.I.1073/54-1 Date: 1-2-1955.

From

Sri K.A.S.Sattianathan, I.A.S., Commissioner of Land Revenue.
Sri P.Sivasankaran Nair, I.A.S., Secretary, Board of Revenue.
Addressed to the Collector of South Kanara Mangalore D/S-1-2-55.

Reference:

Submitted to the Government.

The Board recommends that the objections to the Acquisition may be overruled and that the draft declaration under Section 6 of the Land Acquisition Act submitted by the Collector of South Kanara may be approved and ordered to be published in the Fort St.George Gazette.

for Secretary.

To the Secretary to Government, Health, Education & Local Administration Department with encls. in original.
Copy to the Collector of South Kanara.

ag/16-2.

ASSISTANT SECRETARY TO GOVT. 1735 18 FEB 1954 HEALTH, EDN. & LOCAL ADMIN. DEPT.

R.Dis. 29365/52

S.K.Collector's Office,
Mangalore dated 5-2-1954.

From

Sri A.Mahalingam Chettiar, I.A.S.
Collector of South Kanara.

To

The Secretary to the Government, Local Administration, Fort St. George, Madras 9.

Through

The Secretary to the Board of Revenue, Land Revenue, Chepauk, Madras 5 (In duplicate)

Sir,

SUB: LAND ACQUISITION(South Kanara) - Udipi Taluk- Udipi Municipality- Central Ward Town Planning area- Mudanidambur and Shivalli villages Formation of roads in the Central ward- Town Planning scheme- Draft Proposals- under Sec. 6 of the Land Acquisition Act submitted --Approval requested.

---:o:---

Ref: G.O.Rt.No.162- Health dated 17-3-1953

--:o:--

The Udipi Municipal council is the Acquiring Body in this case. The Town Planning scheme was introduced into the Municipality in G.O.1367/P.H.dated 24-5-45 and most of the lands required for the formation of roads within the Municipality were acquired under the Town Planning Scheme b fore the expiry of three years period. The Municipality now finds it necessary to acquire the isolated bits also, which were left unacquired. Density of population and heavy vehicular traffic in a growing town like Udipi, have necessiated the proposed acquisition, which is either for widening the existing roads or fore splaying the sharp corners of road junctions. The proposed acquisition is therefore in thepublic interest. Draft notification was therfore submitted to the Government under Section 4 (1) of the Land Acquisition Act, with the relevant resolutions of the Municipal Council in this office Ref.Bl. 29365/52 dated 14-2-53 and it was approved in the G.O.cited. The notification was published at page 230 of Part I.A. of the Fort St.George Gazette dated 1-4-53.

2. Though the plots sought to be acquired are tiny in extent, the parties interested in them are more as is generally the case with lands within the Municipal areas. The notices under Section 5A of the Land Acquisition Act, were served on all the interested parties and also published in the manner is prescribed. In respons to the notices served some of the interested persons, have raised objections to the acquisition, which are dealt with as here-under.

(i) SRI VITTAL DEV OF SHIROOR MUTT BY ITS MANAGER SRI K.S. AITTALA REGISTERED HOLDER OF S.NOS. 118/17 :5A1 5B1 & 6B of MUDANIDUMBUR VILLAGE: -Sri N.R.Ballal on behalf of the Swamier of Shiroor Mutt has put in a petition stating that the Mutt authorities want to protest against the contents of the notice, under Section 5A of the Act, but requested for a Month's time to do so on the ground of absence of the Mutt Manager who had gone to Delhi. From the petition filed by Sri N.R.Ballal the nature of objection proposed to be raised cannot be made out. To add to this, it is not necessary that the Mutt Manager should be present in person to file the objections. The Mutt authorities were at liberty to file, their objections if any through their pleader, which opportunity they failed to avail. As the nature of the objection has not been specified in thepetition as required by one of the conditions of the notice the Land Acquisition Officer, disallowed the request for the grant of time to file their objections. The action of the Land Acquisition Officer in rejecting the request is in confirmity with the rules and may therefore be approved. ~~overmuller~~

4

and may therefore be a proved overruling the objections.

(ii) Jumma mosque by its trustee Abdul Majid Ummer Bapu saheb registered holder of S.Nos. 119/1A2 of Mulgenidar of S.No. 116/29B of Mudanidambur village:

His contention is that there is already a public road running along the eastern side of the mosque compound and that therefore there is absolutely no necessity to acquire S.Nos. 119/1A2 and 116/20B, which if acquired will further reduce the area of the mosque compound inconveniencing its enjoyment by the ~~its~~ worshippers and rendering the residiary portion useless for any other purpose whatsoever. The entire extent of S.No. 119/1A is 1.75 acres, and the portion proposed to be acquired is only 0-03 cents. The existing road is a very narrow one to which requires to be widened in the interest of the general public. The contention that there is no sufficient space left for the worshippers sufficiently wide and as such no further extension is necessary, that if the road is further widened by acquiring the plot in question, the newly built compound wall and some mango and jack trees willhave to be removed which will result not only in loss to thepetitioner but also cause inconvenience to his ladies who observe purdah. The Land Acquisition Officer reports, that the road referred to by the petitioner is narrow and requires to be widened. It is remarked by the Land Acquisition Officer, that the objections put forward by the petitioner are of a routine nature raised just for the sake of raising objections and that they are not really worthy of any consideration. As recommended by the L.A.O. the objections may be overruled.

(iii) Sri Narayana Markala - interested persons of S.No. 109/2 of Mudanidumbur village.

He represents that he is a trader in brass vessels and manufacturer of house hold articles having his shop in the plot in question and that if the plot is acquired he has no other land or suitable place, to carry on his businessss. He further states that if the land is acquired, he may be provided with a suitable plot to continue his trade and that until he gets a suitable place, he may be permitted to continue in the existing site. The Land Acquisition Officer, reports that the objections raised are of a general nature having no gravity and that he has still timebefore him to find out a suitable place to continue his business. Individual interest of the parties cannot override the interests of the general public. There is no force in the objections raised, which are also may be orruled.

3. No other objections from the other interested persons have been received. The ortimated cost of acquisition works out to Rs.17893-8-10 including the cost of improvements etc. I submit herewith a draft declaration under Sec.6 of the L.A.Act in duplicate which may be approved and ordered to be published in the Fort St.George Gazetted.

4. The records of enquiry under Sec.5A of the L.A.Act are enclosed for perusal and return.

Yours faithfully,

For Collector.

Copy to the A.D.O. Coondapur (with enclosures)
Copy to the Chairman Municipal Council Udipi Municipality.

is not correct, and therefore the objection raised does not deserve consideration and may be overruled.

As regards S.Nos. 116/13B also, Abdul Khader Saheb states that there is already a Municipal road

NOTIFICATION

Under section 6 of the Land Acquisition Act His Excellency the Governor of Madras hereby declares that the land specified below and measuring (0.35) acres, be the same a little more or less is needed for a public purpose to wit, for the formation of roads in the C Central Ward Town planning area and under sections 3 and 7 of the same Act, the Revenue Divisional Officer, Coondapur, is appointed to perform the functions of a Collector under the Act and directed to take order for the requisition of the said land. A plan of the land is kept in the office of the Revenue Divisional Officer, Coondapur and may be inspected at any time during office hours.

SCHEDULE.

Dt.	Taluk	Village	Description of land wet or dry Inam or poram boke with Survey or Paimash Number	Name of owner or occupier	Extent in to be taken up.
	Udipi Taluk	Mudanidambar village.	S.No.118/17 Ryotwari Gardon.	1.Sri Vittal Dev. of Shiroor Mutt by its manager Sri K.S. Aithal 2.Sri M.P.Achuthayya 3.Sri Shoshappayya 4. Sri Shrinivasacharya 5.Srimathi Sathyabhamamma	Acs (0.12)
			116/10A Ryotwari gardon.	1.Vakil Sri Mahammad Usman 2.Sri Bommayya Shetty	4333sq.link (0.11)
			119/1A2 Ryotwari Gardon	Udipi Jumma Masjid by its trustee Janab Abdul Majid Ummar Bapu Sahob	3340 do (0.08)
			118/5A1. Ryotwari gardon	1.Sri Vital Dev of Shiroor Mutt by its Manager Sri K.S.Aithal 2.Sri Rayappa Shet	230 do (0.01)
			118/5B1(Ryotwari gardon	do	104 do (0.01)
			118/5B.Ryotwari gardon	1.Sri Vittal Dev.of Shiroor Mutt by its manager Sri K.S.Aithal 2.Srimathi H.Ganga Bai	75 do (0.01)
			118/13B Ryotwari gardon	1.Trustee alias Muthavalli Vakil Sri Mahammad Usman Sahob 2.Sri Abdul Khader Sahob	800 do (0.01)
			118/16B Ryotwari gardon	1.Sri Koraga Shetty 2.Sri Dojappa Shetty 3.Sri Kalmadi Sanjeeva Rao by his power of attorney holder Sri K.Rama Rao. 4.Srimathi H.Krishna Bai	(0.02)
			119/10A. Ryotwari gardon	.Sri Krishna Dev.by its Executive officer Sri K.Gururaja Rao 2.Sri Vittal Krishnacharya 3.The Commissioner Hindu Regio-Religious and Charity Endowment Madras.	

Sanit Kanara

6

118/2B1 Ryotwari garden.	1.The Canara Banking Corporation Ltd., by its Manager. 2.Vakil Sri Usman Sahob		0.01
~~118/2B~~ 116/2B Ryotwari Dry	The Canara Land Investments Ltd., by its managing Director ~~2.Vakil Sri Usman~~ 2.Jumma Mosque--by its trustee Jamath Abdul Majid Ummar Bapu Sahob		0.01 do
109/2 Ryotwari Dry	1.Udipi Sri Krishna Dev.by its Executive officer Sri K.Gururaja Rao. 2.The Commissioner,Hindu Religious and Charitable Endowment Madras. 3.Sode Mutt by its general Agent Sri Sripathi Achar ~~4.Srimathi Achar~~ 4.Srimathi Padmavathiamma 5.Srimathi Ajijambi 6 Sri Narayana Markkala		(0.00)
Shivalli village	115/2ARyotwari garden.	Sri B.Monanna Hegde.	300 sq links (0.01)

South Kanara Collector's office)
Mangalore dated 5..2..1954)

For Collector.

6/12

C.M 17358/54

Sub:- Land Acquisition - South Kanara District - Udipi Taluk - Mudanidambur and Shivalli Villages - Formation of roads in the Central Ward Town Planning Scheme area - S.Nos.118/17 etc. - Declaration - Published.

Read again:- G.O.(Rt.) No.162 Health, dated 17-3-53.
Read also:-From the Collector of South Kanara, No.R.Dis.29365/52 dated 5-2-54.
From the Board of Revenue, letter No.Ref.I.1073/54-1 dated 16-2-54.

Order (Rt.) No. 293, Health, dated 17/6/54

The Central Ward Town Planning Scheme of the Udipi Municipality was sanctioned by the Government in G.O.No.1367 P.H., dated 24-5-45. Most of the lands required for the formation of roads under the Scheme have already been acquired. The Udipi Municipality now finds it necessary to acquire the isolated bits of land which were left unacquired. The acquisition of these bits is necessary either for widening the roads or for splaying the sharp corners of the roads junctions. The draft notification under section 4(1) of the Land Acqusition Act, 1894, for acquiring these bits of land was published in Part I A of the Fort St.George Gazette dated 1-4-53. The objections to the proposed acquisition received from interested parties have been examined by the Government and they proceed to pass the following orders.

2. S.Nos.118/17: 5A1, 5B1 and 6B of Mudanidumbur Village. Sri N.R.Ballal, on behalf of the ~~Swamier of Shirur~~ Swamiyar of Shirur Mutt has put in a petition on 29-5-1953 stating that the Mutt authorities want to protest against the contents of the notice under section 5A of the Land Acqusition Act, 1894, and asked for a month's time to do so on the ground of absence of the Mutt Manager. From the petition filed by Sri Ballal the nature of the objection

proposed to be raised is not to be made out. It is not necessary for the Mutt Manager to be present in person to file the objections. The request of Sri Ballal for time has therefore been disallowed by the Land Acqusition Officer. The Govt. approved his action.

3. S.Nos.119/1A2 and 116/20B

of Mudanidambur Village. Sri Abdul Majid Ummar Bapu Saheb, Trustee of Jumma Mosque, ~~Kaikolar~~, has contended that there is already a public road running along the eastern side of the mosque compound and that therefore there is absolutely no need to acquire the land in S.No. 119/1A2 ~~and 116/20B~~. He has also contended that if the land is acquired it will further reduce the area of the mosque compound inconveniencing its enjoyment by the worshippers and render the residuary portion useless. He has added that this statement applies to S.No.116/20B also. ~~The entire extent of S.No.119/1A is reported to be 1.75 acres and the portion proposed to be acquired is only 0-03 cents.~~ The existing road is reported to be a very narrow one which requires to be widened in the interests of the general public. The portion proposed to be acquired is only 0-03 cents. In the circumstances, the Government over- rule the objections raised.

4. S.No.109/2 of Mudanidambur Village.

Sri Narayana Markala, an interested party, has represented that he is a trader in brass vessels and manufacturer of household articles having his shop in the plot in question and that if the plot is acquired he has not other land to move into and carry on his trade. He requests that until he secures a suitable place, he may be permitted to continue in the existing site. The objection is of a routine nature. In the interests of the public the land has to be acquired. The Government therefore overrule the objection.

5. The draft declaration under section 6 of the Land Acquisition Act, 1894, submitted by the Collector of South Kanara with his letter cited is approved and is forwarded to the Controller of Stationery and Printing for publication in the Fort St.George Gazette.

6. The records of ~~the~~ enquiry under section 5A of the L.A.Act received with the Collector's letter cited ~~in~~ are returned to the Collector of South Kanara. He is requested to acknowledge their receipt.

To
The Collector of S.Kanara
(with records).
The Board of Revenue.
The Controller of S.& P.
for publn of declaration
in FSGG (with D.D. on
pages 7-8 c.f. in original)
The Commr., Udipi Mlty.,
thro' the C.M.C.
2 copies.

Note:- Revenue may see before circulation.

HELAU.O.17358HS/54-2
8/6/54.

UNDER SECRETARY TO GOVERNMENT
10 JUN 1954
41612C
REVENUE DEPARTMENT

Rev dept-

The draft order above approving the objections to the acquisition may be accepted in Rev and the file returned to H.E.L.A.

Rev U.O. 41612 Clerk 10/6

ASSISTANT SECRETARY TO GOVT.
12 JUN 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.

11/6/54

HELA

4 Ls

HELA(Hd)

Revenue Dept. have accepted the draft on pp 1-3 ante. It may issue after circulation to M(H) The draft is self explanatory

3461/15.

NRP
12-6-54

14/6/54

SA Sulebhan
15/6/54

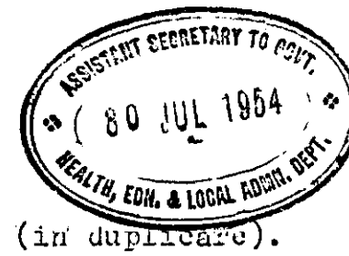
M(H) 15/6

Ref.B1-4489-54.

S.Kanara Collector's Office,
Mangalore, dated 26-7-54.

From

Sri V. SeetharamaServai, B.A.,
Collector of South Kanara.



To

76227
30/7

The Secretary to the Government,
Health, Education and L.A.D.,
Fort St. George, MADRAS-9. (in duplicate).

Sir,

Sub: LAND ACQUISITION (South Kanara) - Udipi Taluk - Mudanidumbur and Shivalli villages - formation of roads - in the - Central Ward - Town Planning Scheme - area - S.No.118/17 etc. D.D. under Sec. 6 of the L.A. Act Published Certain defects - Erratum - Proposed - Report submitted.

Ref: G.O.Rt.293, Health, dated 12-6-1954.

The draft declaration under sec. 6 of the L.A.Act approved in the G.O. cited was published at page 257 of the Fort St. George Gazette dated 7-7-54 as notifaction No.207. In the said notification certain defects have been noticed as shown in the enclosed draft erratum ~~xxxxxx~~ in duplicate. I request therefore that the said ceratum may be approved and ordered to be published in the Fort St. George Gazette.

Yours faithfully,

For Collector.

30/7

28/7/54

Copy to the Revenue Divisional Officer Coondapur.
with Ref. to his Ref.B-1747-54 dated 19-7-54.
als/27-7

13

ERRATA TO DRAFT DECLARATION UNDER THE LAND ACQUISITION ACT.

In the notification No. 207.under section 6 of the Land Acquisition Act I of 1894, as amended by the Land Acquisition Amendment Act XXXVIII of 1923 published by at pages 257.Part I A of the Fort St.George Gazette dated 7.7.54 in respect of the lands required for the information of road in Central Ward Town Planning Scheme area of the Udipi Municipality,Udipi Taluk South Kanara District.

For	Read
South Kanara District,Udipi Taluk Moodanidambur village.	
1.S.No. 116/10.A. 0.04 acres 4386.sq links	S.No 116/10.A. 0.04 acre 4336.sq.m links.
2.S.No.119/1A2. 0.08 acre 3840.sq.links	S.No.119/1A2.0.03 acre 3340.sq.links
3.S.No.116/18.B.	S.No. 116/13.B.
4.S.No. 118/22/B1.0.01.acre 758.sq.links	S.No 118/22B1. 0.01.acre 756.sq.links.
5.S.No. 116/20.B.Ryotwari garden Jumma Mosque by its trustee Janab Abdul Majid Babu Saheb 0.07 acre .666 sq.links	S.No. 116/20.B.Ryotwari Dry,Jumma Mosque by its trustee Janab Abdul Majid Ummer Bapu Saheb 0.01. acre -666 sq.links.

For Collector. 26/7/54

S.Kanara Collector's office)
Mangalore dated 26.7.1954)
mv 27.7.

28/7.

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For	Read
South Kanara District,Udipi Taluk Moodanidambur village.	
1.S.No. 116/10.A. 0.04 acres 4386.sq links	S.No 116/10.A. 0.04 acre 4336.sq.m links.
2.S.No.119/1A2. 0.08 acre 3840.sq.links	S.No.119/1A2.0.03 acre 3340.sq.links
3.S.No.116/18.B.	S.No. 116/13.B.
4.S.No. 118/22/B1.0.01.acre 758.sq.links	S.No 118/22B1. 0.01.acre 756.sq.links.
5.S.No. 116/20.B.Ryotwari garden Jumma Mosque by its trustee Janab Abdul Majid Babu Saheb 0.07 acre .666 sq.links	S.No. 116/20.B.Ryotwari Dry,Jumma Mosque by its trustee Janab Abdul Majid Ummer Bapu Saheb 0.01. acre -666 sq.links.

For Collector.

S.Kanara Collector's office
Mangalore dated 26.7.1954
mv 27.7.

HELA(HS) Dept.

15

Memorandum no. 76227 Hst/54-1 dated 26-8-54

Sub:- Land Acquisition South Kanara District Udipi Taluk Mudambur and Shivalli Villages Formation of Roads in the central Ward Town Planning Scheme area - S. nos 118/17 etc - Declaration Published certain Corrections Issued.

Ref:- G.O. Rt 293 Health dt 17-6-54

The following errata are issued to the notification no. 207 dated 17th June 1954, published at page 257 of Part I A of the Fort St. George gazette dated 7th July 1954 in respect of the lands required for the formation of the roads in central Ward T.P. Scheme Area of the Udipi Municipality, South Kanara District:

For	Read
1. S. no 116/10.A acres 4386. Sq links	S. no 116/10.A 0.0.14 acres 4336. Sq links
2. S. no 119/1A2 0.0.08 acres 3840. Sq links	S. no 119/1A2 0.0.03 acres 3340. Sq links
3. S. no 116/18.B.	S. no 116/13, B
4. S. no 118/22/B 1.0.01 acre 7.58 Sq. links	S. no 118/22 B 1.0.01 acre 7.56 Sq links
5. S. no 116/20. B. Ryotwari garden Jumma Mosque	S. no 116/20. B Ryotwari Dry

162

~~by its Trustees~~ Janab Abdul Majid Bahu ... Sahab 0.07 acre - 666 Sq. links

Jumma Mosque by its Trustees Janab Abdul Majid Ummer Bapu Sahab 0.01 acre - 666 Sq. links

To

The C.S. & C for publication in F.S.Gaz.

The Collector of S. Kanara

The Board of Revenue

The Commissioner Udipi Municipality Through C.M.C.

HELA(Hs) dept.

Note:- After issue this may be filed with the original G.O. No 293 (Health) dated 17-6-1954.

Ref.B1-4489-54.

S.Kanara Collector's Office,
Mangalore, dated 26-7-54.

From

Sri V. SeetharamaServai, B.A.,
Collector of South Kanara.

To

The Secretary to the Government,
Health, Education and L.A.D.,
Fort St. George, MADRAS-9. (in duplicate).

ASSISTANT SECRETARY TO GOVERNMENT
30 JUL 1954
76314
HEALTH, EDUCATION & LOCAL AFFAIRS DEPT.

Sir,

Sub: LAND ACQUISITION (South Kanara) - Udipi Taluk - Mudanidumbur and Shivalli villages - formation of roads - in the - Central Ward - Town Planning Scheme - area - S.No.118/17 etc. D.D. under Sec. 6 of the L.A. Act Published Certain defects - Erratum - Proposed - Report submitted.

Ref: G.O.Rt.293, Health, dated 12-6-1954.

The draft declaration under sec. 6 of the L.A.Act approved in the G.O. cited was published at page 257 of the Fort St. George Gazette dated 7-7-54 as notifaction No.207. In the said notification certain defects have been noticed as shown in the enclosed draft erratum xxxxxx in duplicate. I request therefore that the said ceratum may be approved and ordered to be published in the Fort St. George Gazette.

Yours faithfully,

For Collector.

Copy to the Revenue Divisional Officer Coondapur.
with Ref. to his Ref.B-1747-54 dated 19-7-54.
als/27-7

HEL A (Hst) Dept

Action has already been taken on the original of this letter. may be lodged and added to memo No:76227 Hst/54-1 Health dated 2/8/54

under P

3/8/54

3.8.54

19

ERRATA TO DRAFT DECLARATION UNDER THE LAND ACQUISITION ACT.

In the notification No. 207.under section 6 of the Land Acquisition Act I of 1894, as amended by the Land Acquisition Amendment Act XXXVIII of 1923 published by at pages 257.Part I A of the Fort St.George Gazette dated 7.7.54 in respect of the lands required for the information of road in Central Ward Town Planning Scheme area of the Udipi Municipality,Udipi Taluk South Kanara District.

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South Kanara District,Udipi Taluk Moodanidambur village.	
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4.S.No. 118/22/B1.0.01.acre 758.sq.links	S.No 118/22B1. 0.01.acre 756.sq.links.
5.S.No. 116/20.B.Kyotwari garden Jumma Mosque by its trustee Janab Abdul Majid Babu Saheb 0.07 acre .666 sq.links	S.No. 116/20.B.R,otwari Dry,Jumma Mosque by its trustee Janab Abdul Majid Ummer Bapu Saheb 0.01. acre -666 sq.links.

For Collector. 28/7/54

S.Kanara Collector's office)
Mangalore dated 26.7.1954)
mv 27.7.

28/7